

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONALD MIDDLEBROOKS,)	
)	
Petitioner,)	No. 3:19-cv-01139
)	Judge Crenshaw
V.)	Magistrate Judge Holmes
)	CAPITAL CASE
FRANK STRADA, et al.)	
)	
Respondent.)	

**UNOPPOSED MOTION TO ADMINISTRATIVELY REOPEN CASE AND
FOR STAY OF EXECUTION**

Plaintiff hereby moves the court to (1) administratively reopen this case and (2) enter the attached Proposed Stay Order, which reflects terms agreed upon and anticipated by the parties in connection with the initial temporary administrative closure. Defendants do not oppose the motion.

On May 6, 2022, the parties entered into a written agreement, R. 59-3 at 1 (“Stay Agreement”), pursuant to which both Mr. Middlebrooks and Defendants surrendered valuable rights in connection with the decision to request that this case be administratively closed. As part of that Agreement, Defendants agreed that, among other things, they “will not oppose a motion for stay of execution for [Mr.] Middlebrooks filed in [this case] until a judgment is entered by the district court in

[this] case.” (*Id.* at 2.) The Court’s original Order administratively closing the case expressly acknowledged and relied upon the Stay Agreement, *see* R. 61 at 1–3, and “it is well established that a federal court ordinarily has the power to enforce its own orders” *Shultz v. Wells*, 73 F. App’x 794, 796 (6th Cir. 2003) (citing *Peacock v. Thomas*, 516 U.S. 349, 356–57 (1996); *Shillitani v. United States*, 384 U.S. 364, 370, (1966)). Mr. Middlebrooks, accordingly, files this unopposed motion for entry of the mutually agreed-to stay of execution.

Mr. Middlebrooks believes that he would be entitled to a preliminary injunction granting him the same protection, even if Defendants had not consented to such relief. The parties, however, agree that, in light of the Stay Agreement, it is in the interests of justice and efficiency to move the court to enter an unopposed stay. The parties have conferred and agree that, because this motion presents no disputed issues of law, no separate memorandum is necessary under L.R. 7.01(a)(2).

Respectfully submitted this the 29th day of March, 2025.

Respectfully submitted,

Kelley J. Henry, BPR #21113
Chief, Capital Habeas Unit

Amy D. Harwell, BPR #18691
Asst. Chief, Capital Habeas Unit

Eli Swiney, BPR #026626
Research and Writing Specialist
Katherine Dix, BPR #22778
Drew Brazer, BPR #042363

Asst. Federal Public Defenders
FEDERAL PUBLIC DEFENDER
MIDDLE DISTRICT OF
TENNESSEE
810 Broadway, Suite 200
Nashville, TN 37203
Phone: (615) 736-5047
Fax: (615) 736-5265
Email: Kelley_Henry@fd.org

/s/ Kelley J. Henry

Kelley J. Henry, BPR #21113
Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Kelley J. Henry, certify that on March 29, 2025, a true and correct copy of the foregoing was served via the Court's electronic filing system to opposing counsel, Cody Brandon, Asst. Attorney General.

/s/ Kelley J. Henry

KELLEY J. HENRY
Counsel for Plaintiffs